

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION

No. 7:10-CR-129-1-F

UNITED STATES OF AMERICA,

v.

JAMES EDWARD DOWD,  
Defendant.

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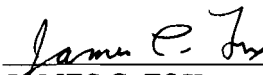
ORDER

This matter is before the court on remand by mandate of the Fourth Circuit Court of Appeals. *See United States v. Dowd*, No. 11-4719 (4th Cir. December 7, 2011) [DE-28]. On November 15, 2011, the appellate court allowed Dowd's unopposed motion to remand "for further consideration in light of the Supreme Court's recent decision in *Tapia v. United States*, 131 S. Ct. 2382 (2011)." Order on Appeal [DE-26]; *see also* Judgment [DE-27].

The Federal Public Defender is DIRECTED to appoint counsel to represent Dowd on remand. Defense counsel shall file a memorandum detailing and supporting Dowd's position on remand on or before **January 18, 2012**; the Government shall file its response thereto on or before **February 9, 2012**. The Clerk of Court is DIRECTED to schedule this matter for hearing, if necessary, during the court's **February 27, 2012**, term of court in Wilmington, North Carolina. Should an evidentiary and/or resentencing hearing be deemed appropriate, the Government will ensure Dowd's transportation and housing.

SO ORDERED.

This, the 9<sup>th</sup> day of December, 2011.

  
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JAMES C. FOX  
Senior United States District Judge